

AFFIDAVIT OF DARRYL CARLSON
JULY, 2008

I, Darryl Carlson, having been duly sworn, state upon oath:

1. I am a private investigator and the owner of the Avatar investigating and consulting firm in Santa Monica, California.

2. I have had investigative duties for approximately forty-six years. In addition to over thirty years experience as a private investigator, I have served as a police officer and as an agent of the United States Department of Justice, Immigration and Naturalization Service.

3. I have served as defense investigator in the Hawaii case , State v. Taryn Christian.

4. As part of my duties in the Christian case, I interviewed Shawn Santana in Las Vegas, Nevada. Prior to the interview, I had learned that Shawn Santana s parents had resided, in 1995, in a home in Kihei near the site where Vilmar Cabaccang was stabbed. Further, there had been evidence at trial that James Hina Burkhardt had been scheduled to visit Tesha Santana, Shawn s sister, at the same Santana residence on the evening of the homicide. The primary purpose of my interview with Shawn Santana was to determine whether he had information regarding Burkhardt s whereabouts on the evening of the homicide.

5. In conducting the interview, I carried two tape recorders. One tape

= EXHIBIT D =

recorder was on and recording prior to the time I approached Shawn Santana. I turned a second tape recorder on in Shawn Santana's presence. At one point, Santana asked me to turn off that second tape recorder. I did so. However, the tape recorder which had started running first continued to run after the second tape recorder was turned off.

6. During the time one of the tape recorders was off, Shawn Santana told me that James Burkhart had come to the Santana residence on the evening of the homicide with blood on him asking Santana's sister, Tesha Santana, to let Burkhart in the house.

7. Tesha, according to Shawn Santana, told Burkhart to leave.

8. Shawn Santana's statements regarding Burkhart's presence at the Santana residence are reflected on pages 8 and 9 of Exhibit CA-1, which I have reviewed. All the statements contained on Exhibit CA-1 are accurate. There were additional words to the conversation which cannot be heard on the tape.

Regardless, the words in the transcript CA-1 are true and correct words and accurately convey what was being discussed between Mr. Santana and myself.

9. The cassette tape recording, which I am submitting for evidence in conjunction with this affidavit is the tape recording which ran while another tape recording was cut off. This tape recording, marked as Exhibit CA-2 and also marked with my initials, DDC, has not been edited and was running, until the tape-


THIS SECTION REMOVED
PURSUANT TO MY
INSTRUCTION (D)

ran out, during the entire conversation between Shawn Santana and myself.

Further affiant saith not.


DARRYL CARLSON

Subscribed and sworn to before me on this 15th day of July, 2008.


NOTARY PUBLIC

My commission expires:



IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII

TARYN CHRISTIAN,)	Civil No. 04-00743-DAE-LEK
)	
Plaintiff,)	
)	
vs.)	
)	
CLAYTON A. FRANK, ET AL.)	
)	
Defendants.)	
_____)	

TRANSCRIPT OF SHAWN SANTANA RECORDING

0:00.0 Darryl Carlson, Private Investigator, arrives at the home of Shawn Santana, and learns that Mr. Santana is at work. Carlson chats for several minutes with a female who identifies herself as Nicole, Shawn Santana's girlfriend, and leaves his card.

3:17 CARLSON Hey, how you doing'?

SANTANA So now you workin' for a non profit organization, and...?

CARLSON No, I work for myself, see, I do my own, I got my own business. Oh, lookit. This is...this is the guy, here. Do you know Taryn? Do you remember him at all? That's him. And this is a copy, a copy of a picture I have on top.

SANTANA Who's that guy?

CARLSON Taryn. Taryn Christian.

SANTANA Taryn?

CARLSON He's the guy who's in jail now. On this.

SANTANA Yeah, I...Christian. Yeah, I remember that guy. He was the one who was...he drew that?

CARLSON Yeah, he did this in prison [unintelligible]

SANTANA So, I mean, but he never testified in court saying that, that Hina was involved. He just took the rap for himself [unintelligible]?

CARLSON No, he didn't, he didn't take the rap. He wanted to talk. He wanted to...he had, he had a public defender who was...oh, wait.

4:05 SANTANA He's in jail for it? Because of the murder?

= EXHIBIT CA-1 =

CARLSON Yeah, he's in jail for the murder.

SANTANA He didn't say...Didn't he get a chance to say that...

CARLSON Oh, I, you wish you know what I done? I wish I'd brought, I showed your sister something. Look,

SANTANA [unintelligible]

CARLSON I got a tape recorder that, if we tape this, it'll be...

SANTANA I don't want to tape this.

CARLSON Well, it's better. For you. It'll be more...you know why...

SANTANA Why is it better for me? I'll just give you what I...I mean, I wasn't there.

CARLSON I know. But here's the thing. When...see, I see too much deception. I see too much deception. Well, first, now why did you to give me your hand. Did I say, "would you please give me your hand" did I say "Give me your hand" – no. It was through a gesture, right?

SANTANA All right.

CARLSON And you just respond immediately. That's what you expect. You wouldn't expect to take your hand and twist it over like this.

SANTANA No.

CARLSON Okay. There are guys who do that...they're underhanded. They do underhanded things. Let me put my cell phone here. They do underhanded things. Later on they say. "Oh, he said this, he said that,"

SANTANA You're not going to use this in court, are you?

5:04 CARLSON No, no. This is just information. Only. See. You can't, you can't go to court because, you know, you weren't a percipient witness.

SANTANA Correct.

CARLSON And the case has already been settled. But what we got now is we got... see, Taryn wanted to, he wanted to ah testify...

SANTANA How much time is that guy serving?

CARLSON I think they gave him life, twenty five to life, something like that.

SANTANA For the murder of Vilmar?

CARLSON Yeah.

SANTANA He didn't murder Vilmar.

CARLSON Yeah, that, that's what I'm thinkin'. That's what...we're seeing that now.

SANTANA Didn't they get his sta...I mean, when he was in court don't they give him a chance to speak and say what happened? Did he just keep his mouth shut and take the rap?

CARLSON No. He wanted to talk. And see, what happened, his lawyer wouldn't let him. And then his lawyer got up in court and said to the jury, he said, "Well, the way it's goin', the way it looks like, he was on his, on his, on the ground and Vilmar was on top of him. And he, he must have, you know, reached up in back and stabbed him like this, from the back." No.

SANTANA Vilmar's a big guy.

CARLSOM Yeah. And your, your arms don't work that way. Your shoulder...

6:12 SANTANA Vilmar used to work out. He's a strong guy, too.

CARLSON That's what I hear. He was like 190, a strong guy...

SANTANA Yeah, he was a strong guy.

CARLSON Okay. Now, think about this. Vilmar is on, see, here's what happened. The kid is looking, he's driving down the road and, you know where the car...

SANTANA I know exactly. My mom lives right... the block up from Vilmar.

CARLSON There you go. Now, Taryn's parents were down in the area. They were in Kihei. They live up country. So, they were in Kihei because, ah his, I think his parents were there for vacation. They took a little a little condo down there. And then he was goin' down, he didn't know that they left. He was over about three o'clock in the morning. But on the way down there he looks, and he sees Vilmar's car, that he knows, and the door's open. It's three o'clock in the morning. Now, you know Vilmar way better than I do, and you know Vilmar's not going to leave his car door open.

SANTANA He had a car show car. He, he put everything into his car.

CARLSON There you go. In fact his sister she drew a little thing for me, you know, as to, as to, the uh...

SANTANA Why would Hina leave the door open? If Hina's going to steal from a car, 'cause I, I've seen...

7:12 CARLSON Here, here's what happened. Hina. So, so Taryn go, Taryn looks at the car, he sees the car, he wa he sees the door and he sees somebody moving around in there. So he's looking, and then Vilmar is up, up at the house and he yells out, "Get out of my car.

Who's in my car?" [something like that]. He grabs a steak knife and he goes, he starts, he starts headin' downstairs down the... So here comes, uh, Hina. Hina.

SANTANA Hina

CARLSON Hina comes out of the car and he, and he and Christian look at each other 'cause they know each other from school. They were is like sixth or seventh grade together, something like that.

SANTANA I didn't know Hina knew the guy.

CARLSON So he, so they looked... so then Hina took off down the street and Taryn's thinking, "Oh shit, this guy, the guy... [unintelligible]," so he takes off, too. And you know, you know where how that block is, how that he ran down, he ran behind like kind of a...

SANTANA So guy left his car there?

8:01 CARLSON Oh, yeah. He's not after the car. What the hell's he do with the car?

SANTANA No, Christian. When he stopped was he in his car or was he walking?

CARLSON Yeah, yeah, he was in his car.

SANTANA So he left his car there and took off running, too.

CARLSON Yeah, yeah. Then he went back and got his car and he took off.

SANTANA You don't think Christian and that guy Hina had something to do with it?

CARLSON No, no.

SANTANA Positive?

CARLSON Positive. Because I talked to Hina in Halawa. He hardly knew... he knew, he knew ah Christian in school when they were kids but they had, they didn't, you know...

SANTANA Don't be misperception by these guys because you know Hina. He's been in jail a long time, and, and, for the guy to take the fall and Hina's name not even be brought up, not even as a witness or nothing in court...

CARLSON His name was brought up.

SANTANA He was never, he was never subpoenaed or nothin'.

CARLSON He went there one time, he took the fifth, and that was it. Nobody asked him any more questions.

SANTANA That's pretty messed up, you know?

CARLSON It is messed up. It's very, and ya' know, its...look, look, for, for the attorney to talk the way he did, for the attorney to talk the way he did, um, it's absolutely wrong. Like you say, see, look it, think about this...

9:07 SANTANA Did he even ask for an appeal? What about Christian. Did his parents get involved? And...

CARLSON Yeah, that's what they're doin' now – they're doin' the appeal. We have, we have, see, what happened was when the guy was out there on his, on his tape, I mean on, on the 911 call, it was bein' picked up by the tape.

SANTANA All right.

CARLSON So, we have enhanced the tape, well, I say 'we', I mean the guy who does enhancing of tapes, he, he ah, got the tape enhanced [what it says] ah, "Hina's just leaving," or "Hina just left," or, "Hina [unintelligible]"

SANTANA So that guy on the, on the phone knew Hina, too?

CARLSON No, no. It's just that Vilmar is saying it and it was picked up on the guy's phone.

SANTANA Oh, was Vilmar talkin' to the guy?

CARLSON Vilmar's talking...

SANTANA Oh, Hina left?

CARLSON Right, and then see this guy was tryin' to help Vilmar but Vilmar still had the steak knife in his hand. So the guy says, you know, "please, put the ste... I want to help you but put the st...put the knife down". I think mine's 424. I'll be right back.

10:03 SANTANA Oh, they take a long time here.

CARLSON Huh? Oh, they're calling 426, so...

SANTANA No, they take a long time here. They didn't call your number yet, did they?

CARLSON Oh, they're called mine, 'cause they called 426 and mines four... I'll be right back, all right?

[approximately 54 seconds of background restaurant noise]

11:10 SANTANA Hi. Is Nicole there? Okay. They have really good food here, you know.

CARLSON Oh, yeah. I'll be right back. I have to get some silverware.

SANTANA Okay.
[approximately 16 seconds of background restaurant noise]

SANTANA Hey, Niña, this is [unintelligible] [Let me] talk to Carl. Okay [unintelligible], I'm talking to the investigator now. Right.
[approximately 14 seconds of background restaurant noise]

CARLSON Want half this sandwich?

SANTANA No, I, we, we have the exact same thing in our lunch room, but [I get to] eat at eleven thirty.

12:01 CARLSON Oh, okay, okay. Well, you know, so the reason I'm talkin' to you guys is because...

SANTANA [unintelligible] piece this stuff together, huh?

CARLSON Yeah, see, throughout the whole thing you guys were always tellin' the truth. You...

SANTANA We have no reason to lie.

CARLSON That's exactly, did you, do you remember ah Funes?

SANTANA Funes? Officer Funes.

CARLSON Yeah.

SANTANA Detective Funes. Yeah.

CARLSON Did he talk to you a lot about this case?

SANTANA No one's ever talked to me about this case. They talked to my sister a little bit, I know that, and my mom, but they never talked to me, 'cause, I mean,

CARLSON Your mom...

SANTANA I can tell you that Hina went into hiding when this happened.

CARLSON Yeah.

SANTANA Hina thought they were looking for him, then after awhile he, started showing...I mean, I, I hung out with Hina, and he hung out with me, we, you know, we were I was a little bit of a punk back then but I would never hurt anybody, do stupid shit like...I've never broke into a car in my life, you know, that kind of shit.

CARLSON Yeah.

SANTANA But yeah, um,

CARLSON Well, he was, he was...

SANTANA I just hate to see the wrong person pulling time for something.

CARLSON Well that, that's what everybody, see...

13:00 SANTANA I would hate for me to be the one in his shoes. But my thing is, why hasn't he stood, spoken up? I mean, I, I would have just brought it out in court, "Hey, you know what, I'm firing my public defender, give me a new one. This is wrong. I'm being, you know, [unintelligible]." I mean, well, to me, the way it's sounding like, maybe, maybe...

CARLSON He was doing... I think he was doing that, but the judge will put him... in for ah, contempt of court.

SANTANA This was a pretty big case...

CARLSON Yeah.

SANTANA This was, and you know what? I mean from, I don't understand why he would run off, even if the guy had a knife. I would be backin' up and say, you know, "hey." I mean, but he might have been the one who dropped off Hina, and, 'cause Hina was dropped off. Hina was definitely, 'cause Hina doesn't live anywhere around there. He had no place to stay around there.

CARLSON Well, he liked to stay at your place. He liked your mom [unintelligible] your mom...

SANTANA Yeah, he liked to stay, but he wasn't there that night. See, Hina wasn't, the way Hina he had somebody drop him off then he'd go hit the car, rob the car, have somebody drive up the road, jump in the car, and drive off.

CARLSON How about Christian Diaz?

13:58 SANTANA Chris Diaz lived in the bushes across the street. He lived in the bushes across the street. There was a house in the bushes, a shack. Look, Chris is a punk [unintelligible] so I mean, I'm not sure if...do you, do you think the girlfriend had anything to do with it?

CARLSON Serena Seidel?

SANTANA Yeah, because the fuckin' car had an alarm on it.

CARLSON That's right. And, and Christian, I mean not Christian, but ah, Vilmar is also being heard to say something like, "Why did you give him the key?" See, so he knew because, see, the alarm didn't go off.

SANTANA Right. He, he had an alarm. He had a, he...his car was car show. That's for... he entered in car shows. He had a good alarm. He had, you know,

CARLSON He was like married to his car, wasn't he?

SANTANA Yeah. He had a lot... some of my best friends. I mean, my, my [real] I grew up with Vilmar. My best friends, that's they're first cousins, I mean, everybody was looking for Hina when this happened. Because everybody wanted to kill Hina, beat Hina up. And then come to find out in the paper they got the guy, Christian, so they were...

CARLSON No, see that...

SANTANA Everybody blew it off, said, "Okay, they got the guy."

15:12 CARLSON It was a big mistake. We got that on, we got that tape worked out, too. We got that tape [unintelligible] ...but, there was something about like when you, when I talked to you today, when you called me, today, you were saying that you knew he was there, and that you, something about his hand was cut, he was all cut up or something?

15:33 SANTANA Turn off the tape, I'll tell you something. My, my sister didn't wanna get involved.

CARLSON No, I know.

SANTANA He ran up to the house, he had blood on him. He was in the bushes. He was in the bushes by the window, saying, "Hey Tesha, let me in, let me in." She was like, "Get out of here, beat it." He had blood on him. I hate to rat, I, I don't want nobody to rat me out, so I mean, I look at don't do unto others that's [unintelligible]. But, Hina was there. Hina had blood on him. Who knows how? But, that's all, that's all I can say. Hina was there and Hina had blood on him. Hina was at the window. And, I mean, he knows a lot of people in jail [unintelligible] in jail, and the thing is I don't want my sister to [unintelligible] repercussions back with her. I don't want my family...I mean, 'cause I know how this all works. I'm not afraid, but yet I know how it works in jail. Hina [unintelligible] He was in there with all the big boys, you know? Hina hangs out with Samoans and shit.

16:23 CARLSON Yeah, USOFAM

SANTANA Yeah. And so Hina...

CARLSON He brags, he brags about that now.

SANTANA Yeah, he brags about it, because before didn't have no rank but now he has rank because he's been in jail a long time, and if this comes out that you know, that my sister has to testify [unintelligible] then he's going to, you know, come back to...my sister's son, I mean the dad lives in Maui and all that

[unintelligible]. Justice has to be served, you know, I mean, Hina was there, Hina had blood on him, and God forgive me for ratting anybody out, I don't want nobody to [unintelligible] to me [unintelligible], but he was there.

CARLSON Yeah.

SANTANA He's at the window, and my sister, she's a real bitch and real [unintelligible]. She's like, "Get the fuck out of here, beat it, Hina, beat it."

17:00 CARLSON She's a smart girl.

SANTANA Yeah, she is.

CARLSON I like her, though. She's got good [unintelligible].

SANTANA Yeah, she, she's a real tough girl, and that's how she is. And I guess, I'm not sure if she let him in. I think she told him, "Get the fuck out of here," and he ran off.

CARLSON He may have gone to [unintelligible]. He went to, he went to the, ah, he went to the...we know, we know there's no question about him being there. We know it's a fact he was there.

SANTANA Oh, Hina's...does he admit to being there?

CARLSON No. No, he doesn't want to do that.

SANTANA Where was he? Did he have an alibi to say where he was at that time?

CARLSON He talked about being up at um

SANTANA Sister?

CARLSON No, not sister. Up at, up country at the Rice Ranch at his cousin's place, which is...

SANTANA [unintelligible]

CARLSON Yeah.

SANTANA Hina's a fucking punk. I almost kicked his ass several times. He's a [unintelligible]. Now he's even worse of a punk. What I mean...

CARLSON He strikes me as being kind of show-offish. He's very [unintelligible]

SANTANA Does he, does he...he was a nobody growing up and he wanted to be like [unintelligible] he wanted to be a somebody but he was so skinny and [unintelligible], you know.

18:01 CARLSON He brags about, he was brag...how's this sound to you? He was bragging about, about stealing, he ripped off, he says he steals ah... he robs drug dealers.

SANTANA Oh, he, he robs drug dealers until he gets caught [unintelligible]. Hina's a, he's a dumb [unintelligible]. To me, Hina's will always be...Hina grew up wrong. [unintelligible] his mother, he had no family. He really had nobody to [unintelligible]. He had a bad childhood.

CARLSON You know something? You guys, I, you know, just...I'm not really in this case like a lot of people are, but just by my bein' able to be...you got a good family, I know that. You guys got a strong family, a tight family, you know?

SANTANA I'm getting married here this August in Maui. [unintelligible]

CARLSON You are?

SANTANA Along with all my friends and all that. And, um, Hina had a bad childhood. His mom kicked him out. His mom was sleeping all over, his mom was doing drugs, you know. So Hina had a bad childhood. He got to where he became...because, you know, yeah, he was a loner. He wanted to be somebody.

19:02 CARLSON [unintelligible] back on this [unintelligible].

SANTANA Yeah. I gotta go here in a minute, too. But, um, I just, Hina had a bad childhood, you know, and the way he was raised, who he hung around with, he just, he really had nobody that cared about him, and when he hung around me I kind of like showed him, "Hey, bro, you can hang with me, you know, I mean I'll take care of you," I mean, as, as a brother, kind of.

CARLSON Yeah.

SANTANA And then when he started fucking me, you know, stealing from me and stuff, talkin' shit, and then I was like, "Beat it, get out of here, hang with somebody else." And that's [unintelligible] he bounced around people to people.

CARLSON But, but he ah, his dad's name, he told me his dad's name, "Aldo," "Alo."

SANTANA His dad was in jail, too, I think. If I'm not mistaken.

CARLSON Alo something.

SANTANA Alo

CARLSON Alo

SANTANA Alo.

CARLSON He told me he was braggin' to me that his whole family's in corruption, he told me, you know. But you think...

SANTANA Why doesn't he...he's gone. Why you goin' to brag about that kind of shit? You know? I mean, he's stupid. What does he get out of it?

CARLSON [unintelligible]

SANTANA That's the prison life. That's the prison life.

CARLSON Is he, is, is he childish? Is he childish?

20:02 SANTANA He's very childish. He wants to be, he wants to be the, he wants to be somebody he's not, you know. Whether if he has to steal, rob, or kill to get to be somebody to talk about him, that's what he wants. He wants people to talk about him and, you know, to fear him, kind of thing. Like mafia kind of thing, you know?

CARLSON Yeah, yeah.

SANTANA He wanted to be top dog and to be feared. He was a skinny, tall, skinny guy. He was stupid. He'd do stupid, crazy things, you know? But yet, he's probably, he's probably different now. I don't know. He's probably even...I have no idea.

[Phone rings]

CARLSON I'll be right with you. Hang on. Hello? Yeah. I'll call you back. Okay. That's a politician wants to hire me in L.A. on something [unintelligible]. But anyway, um, yeah, he got that cousin of his to say the alibi that he was up there, up country, even before, because he was shot at some car...

SANTANA He shot at some car a week before. They were looking for him for that.

21:00 CARLSON Yeah

SANTANA Yeah, he shot at some car. That's right, I remember that. The police were looking for him for that, so he was in hiding. That's why he was in hiding also, because he shot at some car and they were looking at him for a drive by. Driving by a car and shooting at 'em in Makena.

CARLSON Do you know about, somebody said they saw, well that he was down at Vilmar's car earlier during the day, about 7:30, and that Vilmar said, "What are you doing?" and he said, "Is that your car, bro, nice car, bro," you know?

SANTANA I have no idea about that. I didn't know that.

CARLSON Ah, somebody said that, a, when when the cops were lookin' for him that your mom called him and, and he said, "[unintelligible] you lookin' for?" and he said, "Well I stabbed someone last night." Do you have any recollection of that?

SANTANA My mom is a little bit weird. She's crazy. My mom's not all there. You cannot, my mom, she's not really all there. She, she fabricates a lot of stuff. I'm being honest with you. My mom, she fabricates a lot of stuff. I wouldn't take her word for nothin'.

CARLSON Right.

SANTANA And, I know my mom. She fabricates a lot of stuff. She's, she's a lot of things -- epilepsy, diabetes, she has pancreas problems, she has a lot of things going on with her. She, she was beat up when she was a kid and my grandma gave her brain damage. So she has brain damage. I mean, it's not serious brain damage, she's retarded, but just, she has seizures from it.

22:10 CARLSON I had a wife like that.

SANTANA Yeah

CARLSON My third wife was like that.

SANTANA Yeah.

CARLSON Her dad beat her up. He's...anyway, um, but Hina, see your mom treated a Hina with, with ah...

SANTANA My mom yeah, took him in, like a, like a son.

CARLSON Yeah. Fed him, she liked the way [unintelligible]. What kind of food would she cook him? [unintelligible] she, she like took cook?

SANTANA My mom can cook real good food. Yeah, she took him in. My mom took all my friends in like sons.

CARLSON You look strong. You look like you had a good childhood, I mean as far as eating and working out and stuff, you know, ah...

SANTANA No, I, I mean yeah, I've done my bad in the past, but I mean, you know, the drug dealin', the drug usin', but I've changed now. I've got a family. That's why I moved here, to get away from all that.

CARLSON I did that.

SANTANA Yeah, I mean everybody done that, but when, you know, to get away from it and change, better yourself, then, you know, that's why, that's why I moved here. It's hard to leave all my friends

CARLSON Yeah.

23:05 SANTANA I moved here, I didn't know nobody.
CARLSON Yeah.
SANTANA So, I mean, I'm happy here. You know, I'm away from all that. I'm going to go home and get married with all my friends and leave.
CARLSON I met your lady today. She's a doll, man. She's a pretty lady.
SANTANA Oh, (laugh)
CARLSON You got a nice place they got that house up there. That's great, you know. Keep it up, you know?
SANTANA Yeah, I'm just trying to make something of mys..., get a future here, you know?
CARLSON Mmm hmm.
SANTANA And I'll move back to Hawaii when I'm old, retire there somewhere. But as for now, I mean, I'm doing good.
CARLSON I wouldn't mind going over there to retire, and meet up with... I was [unintelligible] there when I was younger. I lived in San Diego, which was the Hawaii of the mainland. I thought, why not go to the Hawaii of Hawaii? But now that I'm over there I think what the hell, you know, here I'm a Haoli, what the fuck am I goin' to do over there, you know?
SANTANA No, to me...
CARLSON I could write a book and retire, but now I don't want to have any...
SANTANA I kind of feel for Hina, you know, but you know what? He's kind of dug his own grave. You don't go killin' somebody. Not over a fuckin' car stereo. That's very...
24:00 SANTANA I mean, I don't know, it's sad that somebody had to lose their life over a car stereo.
CARLSON Did you know, he was...did you hear anything about him bleeding and being on tape up at the ah, Gas Express?
SANTANA I, I, all, all I know is what I told you, and I didn't see any of it, um, we asked about it, I mean, a lot of my close friends, the Kihei boys were all close knit from Kihei, and a lot of Vilmar's cousins were living Kihei. Which, they were looking for Hina when they heard about it because somebody mentioned Hina's name and... I don't know. But Hina's going to wind up back in jail, but it's sad to see somebody else pulling time for something they didn't do.

CARLSON One reason for this is because, listen carefully. Christian had a girlfriend who was on ice or something.

SANTANA Okay.

CARLSON She was around twenty years old. He figured he could help her out, she wanted to get off it, you know, so he figured, he'll help her out. He'll support her, you know. You can't do that, man, you know, you, you...

25:02 SANTANA [Unintelligible] have to want to help themselves.

CARLSON Yeah, exactly. So it didn't work out so she, she said, "Look, you gotta leave," you know? He was, she was driving him...so she gets pissed off, she went down to the [unintelligible] police and said he was there. Well, he was there. He never denied being there. See? So they put her on the phone. And they're taping while they're talking. And, apparently on the phone he says, "...you think I did it? I didn't do it. I was there, and, but I feel bad about it," but he says, "I didn't do it," ...

SANTANA Because Hina hung around with all the Kihei boys and Kihei boys are feared in Maui. If you rat on one of us, we'll come back and we'll get you, you know? You, you don't rat on the boys. And that's probably why. Because when you hang around all the [unintelligible] We all stuck together, you know, we were close knit. And if somebody ratted on somebody, like, let's say he ratted on Hina, and he know that Hina hang around with the [unintelligible] these guys are the fuckin' bulls of the fuckin' island, you know? You fuckin' rat out somebody you're goin' to [unintelligible], you're goin' to be feared. But they wouldn't have done nothin' about it.

CARLSON But you, did you guys receive any threats? You and a, and a [Tessa]? [unintelligible]

26:02 SANTANA Nobody threatened me, no. I'm, I'm, I have a lot of connections. I have a lot of, I know almost everybody in the town. I have no enemies. So I mean, no one's going to threaten me. But like I'm saying, I mean, now that Hina's been in jail, he knows a lot of people and he knows murderers, he knows raper, he knows a lot of people and a lot of them are being released. And if he's going to be in there for a long time he's not going to forget something like this. He's going to say, "You know what, that mother fucker," you know, "Go and get him. Go get his family."

CARLSON And you.

SANTANA "Go get his kids."

CARLSON And you. You know why? Because of the tape. And there's also the blood. See the blood evidence...

SANTANA Hey, evidence is there if they let you guys have it.

CARLSON Yeah.

SANTANA I don't know. Keep me updated about this case.

CARLSON I will.

SANTANA Let me know. Is there anything else you need?

CARLSON No. I'll tell you what, you got my card, my number,

SANTANA Yeah

CARLSON I got your real number. You gotta go. You, you, I'll tell you what. If I think of something,

27:03 SANTANA Yeah, but I...

CARLSON If I can give you a call.

SANTANA Yeah.

CARLSON 'Cause I don't want, I can't sit here forever, you know?

SANTANA Yeah. Go gamble a little bit, go to a strip club.

CARLSON No, I, I'm be, I'm beyond that stuff, you know...

SANTANA Yeah, but I mean if that chick was on ice, that's pretty fucked up. He, Hina probably was supplying her, who knows?

CARLSON Well, that's the thing, see. The story is, did you know here, Serena Seidel?

SANTANA I, I, I no. I hung with the older people. I didn't hang with the young people. Hina hung with the younger crowd.

CARLSON What's the age difference?

SANTANA Hina's like, maybe, I'm 29. Hina's probably like twenty three right now.

CARLSON No, he's twenty seven, I think.

SANTANA Twenty seven?

CARLSON Twenty six, twenty seven. [unintelligible]

SANTANA Naah.

CARLSON That's what he said. [unintelligible] said twenty nine.

SANTANA He must have flunked a few times, I don't know. But...Hina liked to hang with the young people because that's the kids he could push around, you know?

CARLSON Ohh, yeah, yeah, yeah...

SANTANA So...

CARLSON Hey, what about Trisha Mullin? Do you know her?

SANTANA Trisha?

CARLSON Yeah,

28:00 SANTANA She's a work of art. She's stupid. She was a,

CARLSON I asked Hina. I said what do you think of her, he said, "She's a piece of shit girl, man."

SANTANA Yeah, stupid chick.

CARLSON Yeah, but I, I asked him about Trish and he said, "Oh, yeah, she's my, her fuckin' brain is gone, man, she's on ice too much, you know? Do half a pound of..." I'm thinkin', when I talk to her, she's, she's very, she's

SANTANA She straighten out?

CARLSON She's straight. I mean, she's, she's very a...

SANTANA She live in Maui still yet?

CARLSON Huh?

SANTANA Does she live in Maui still yet? Trisha?

CARLSON No, I'm talking about Tesha, no, Trisha...

SANTANA Oh, you talkin' about my Tesha? You talkin' about my sister like that?

CARLSON Oh yeah, Tesha, I'm talkin' about both. He called Trish he said is a piece of shit girl he said about that but then as far as Tesha goes, he was saying something about that ah, she was oh, that he, he said, you know how he said, she's just a woman, he said, so, see, because what happened is this, Serena Seidel apparently when the whole thing went down and you know he's on tape saying, "Why'd you give him the tape, why'd you give him the key" I mean, so, she's talkin' about, then he says she brought the word "Hina" up. Serena Seidel brought the word "Hina" up into the conversation. So then, so Tesha says that, then the cop was asking what about [unintelligible] she said, "Hina" So then she said Hina was there. So what they were saying is that Tesha said Hina was there. So I

talked to, you know, I talked to Hina about that and Hina says, "No, man," he says, "it's like, you know, she's a woman," but you know, so people start, you know how people talk, so the cop walked up and says, "Was Hina there?" and she says well, she didn't, she thought he might be so then he, then the cop says that Tesha said that Hina was there. Well, look, that's like me walkin' up to you and sayin', "Was ah, was ah, Bobo there or was Jackson there or was somebody else there?" How the fuck would I know that? You see, they ask you questions, the best thing would be to ask, so it doesn't make sense, you see, when Hina said it so Hina turned it around, and, ah, and then Hina...

30:02 SANTANA Hina knows that my sister is the only one that's ah, my sister's the only one that that could, you know... Is there anybody... what about that guy who has the phone? Does he visually see Hina? Can he pick him out of a lineup? The guy that called on the phone, did he see Hina?

CARLSON He described Hina. He described a guy with black hair.

SANTANA The picture in the Crime Stopper paper looked like Hina

CARLSON Yeah. And he had long hair in the back. You know what they did? With the guy that they, that they picked up?

SANTANA What?

CARLSON This is why I say, this is why I say about, look, but I've seen this done before. All right. In my work I do a lot of defense work, because, and I, you know I was a federal agent, all right? I'm very

30:44 Tape ends